

All communications respecting this case should identify it by number and names of parties.



**U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: BOX INTERFERENCE
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Telephone: (703) 308-9797

Facsimile: (703) 308-7953

MAILED

OCT 24 1995

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: Bouchard et al.
Serial No.: 08/162,984
Filed: 12/08/93
For: NEW TAXOIDS, THEIR
PREPARATION AND PHARMACEUTICAL
COMPOSITION CONTAINING THEM
Accorded benefit: France
92 14813, filed 12/09/92

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., effective February 11, 1985 (49 F.R. 48416, 1050 O.G. 385). The interference is designated as No. 103675.

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

The parties involved in this interference are:

Junior Party

Patentees: SHU-HUI CHEN
55 Greens Ridge Road
Hamden, Connecticut 06514

VITTORIO FARINA
54 Sedgwick Road
West Hartford, Connecticut 06107

Application: 08/029,819, filed March 11, 1993, now Patent
No. 5,254,580, granted October 19, 1993

Assignee: None

Attorneys: Aldo A. Algieri Samuel J. DuBoff
William T. Han Michelle A. Kaye
David M. Morse Sandra M. Nolan
Richard P. Ryan Mollie M. Yang
Pradbodh Almaula Frank P. Hoffman

Associate: None

Accorded Benefit: None

Address: David M. Morse
Bristol-Myers Squibb Company
P.O. Box 5100
Wallingford, Connecticut 06492-7660

Senior Party

Applicants: HERVE BOUCHARD
114, avenue Danielle Casanova
94200 Ivry Sur Seine, France

JEAN-DOMINIQUE BOURZAT
36, boulevard de la Liberation
94300 Vincennes, France

ALAIN COMMERCON
1, bis rue Charles Floquet
Vitry-Sur-Seine, France

Application: 08/162,984, filed December 8, 1993

Assignee: None

Attorneys: Thomas L. Irving Bryan C. Diner
Martin F. Savitzky Paul R. Darkes
James A. Nicholson Rosanne Goodman
Ross J. Oehler Raymond S. Parker, III
Julie K. Smith

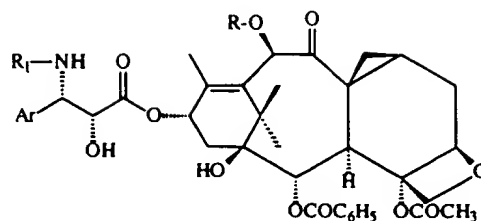
Associate: None

Accorded benefit: France 92 14813, filed December 9, 1992

Address: Thomas L. Irving
FINNEGAN, HENDERSON, FARABOW, GARRETT
& DUNNER
1300 I Street, N.W.
Washington, D.C. 20005-3315

COUNT 1

A taxoid of the formula:



in which

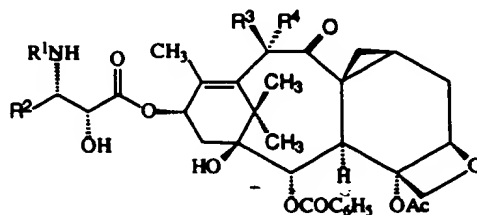
R represents hydrogen or acetyl,

R₁ represents benzoyl or R₂-O-CO- in which R₂ represents t-butyl, and

Ar represents phenyl or α- or β-naphthyl, said phenyl or naphthyl being unsubstituted or substituted by C₁₋₄ alkyl, C₁₋₄ alkoxy, halogen, or CF₃, or Ar represents 2- or 3-thienyl or 2- or 3-furyl, said thienyl or furyl being unsubstituted or substituted by halogen,

OR

A compound of the formula



in which

R^1 is $-COR^2$ in which R^2 is t-butyloxy, C_{1-6} alkyl, C_{2-6} alkenyl, C_{2-6} alkynyl, C_{3-6} cycloalkyl, or phenyl, optionally substituted with one to three same or different C_{1-6} alkyl, C_{1-6} alkoxy, halogen or $-CF_3$ groups;

R^2 is C_{1-6} alkyl, C_{1-6} alkenyl, C_{2-6} alkynyl, C_{3-6} cycloalkyl, or a radical of the formula $-W-R^x$ in which W is a bond, C_{2-6} alkenediyl, or $-(CH_2)_t-$, in which t is one to six; and R^x is naphthyl, furyl, thienyl or phenyl, and furthermore R^x can be optionally substituted with one to three same or different C_{1-6} alkyl, C_{1-6} alkoxy, halogen or $-CF_3$ groups; and

R^3 is OCOR, $-OCOOR$, H, or OH; R^4 is hydrogen; or R^3 and R^4 jointly form a carbonyl group; and R is C_{1-6} alkyl.

The claims of the parties which correspond to count 1 are:

Chen et al.: Claims 1-6, 8 and 9

Bouchard et al.: Claim 140

COUNT 2

4 α -10 β -diacetoxy-2 α -benzoyloxy-5 β ,20-epoxy-1 β -hydroxy-7 β ,8 β -
methylene-9-oxo-19-nor-11-taxen-13 α -yl(2R,3S)-3-tert-butoxycarbonylamino-2-
hydroxy-3-phenylpropionate

OR

N-debenzoyl-N-t-butoxycarbonyl-7-deoxy-8-desmethyl-7,8-cyclopropataxol.

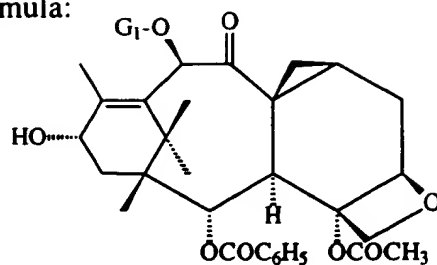
The claims of the parties which correspond to count 2
are:

Chen et al.: Claims 7-9

Bouchard et al.: Claim 142

COUNT 3

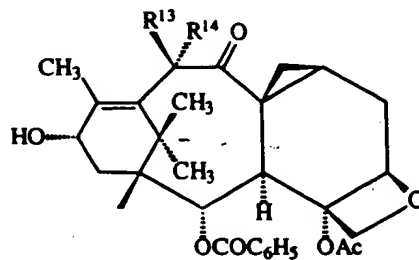
A taxoid of the formula:



in which G_1 represents hydrogen or acetyl,

OR

A compound of the formula:




in which R^{13} is hydrogen, acetyloxy or hydroxy; R^{14} is hydrogen; or R^{13} and R^{14} jointly form a carbonyl group.

The claims of the parties which correspond to count 3
are:

Chen et al.: Claims 10 and 11

Bouchard et al.: Claim 141



MARY F. DOWNEY
Administrative Patent Judge
(703) 308-9797